

BAKER BOTTS L.L.P.

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Chicago Bridge & Iron Company N.V.,
Philip Asherman, Ron Ballschmiede and
Westley Stockton

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE CHICAGO BRIDGE & IRON)	CASE NO. 1:17-CV-1580 Hon. Lorna Schofield
COMPANY N.V. SECURITIES)	
LITIGATION)	
)	

**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS'
MOTION IN LIMINE NO. 16**

Defendants Chicago Bridge & Iron Co. N.V. (“CB&I”), Philip K. Asherman, Ronald A. Ballschmiede, and Westley S. Stockton submit this Memorandum of Law in support of their Motion *in Limine* No. 16 to preclude any reference or comments that imply or suggest that anyone on the Jury or Jury panel should attempt to “send Defendants a message,” “set the standards in New York,” or any other such language which is calculated to have the jury assess damages based upon an emotional response and not upon the evidence and the Court’s charge.

Such an argument can only serve to unfairly prejudice, confuse, and mislead the members of the jury. FED. R. EVID. 402, 403. Such reference or comments would be particularly

inappropriate given that there is no claim for punitive damages. *Pappas v. Middle Earth Condo. Ass'n*, 963 F.2d 534, 541 (2d Cir. 1992) (“Comments that improperly play to the sympathy of a jury may not be justified because of a tenuous substantive connection to a legal issue present in the case.”). And, “an appeal to the jury’s regional bias is so inherently improper” that it may infect the trial and entirely undermine a verdict. *Id.*

Dated: December 13, 2021

Respectfully submitted,

BAKER BOTTS L.L.P.

By: /s/ David D. Sterling

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